

BP9806US-CP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No: 09/627,796 Confirmation No. 3581
Date Filed: July 28, 2000
Application Title: Non-Nucleic Acid Probes, Probe Sets, Method and Kits
Pertaining To The Detection Of Human Chromosomes X, Y,
1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18 And 20 As Well As
13/21 As A Pair
Applicant: Krishan L. Taneja
Group Art Unit: 1634
Examiner: Jehanne Souaya Sitton
Certified Mail No.: 7002 0510 0003 5829 3214

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37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: Amendment: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of September, 2004.


Brian D. Gildea
Reg. No. 39,995

Reply To The
Notice Of Non-Compliant Amendment

Commissioner for Patents
Dear Sir or Madam:

On July 28, 2004, Applicant filed a response to an Office Action dated January 29, 2004. That response included an amendment. On August 9, 2004, Applicant filed a Supplemental Amendment. Because no final action had apparently been entered by The Office, it was believed that Applicant could file such an amendment as a matter of right.

On August 15, 2004, The Office mailed a "Notice of Non-Compliant Amendment" presumably in response to the amendment filed on July 28, 2004. Because the amendment filed with the papers submitted on August 9, 2004 contain the same defect described in the "Notice of Non-Compliant Amendment", please enter the

attached amendment. However this amendment is based upon the papers filed on August 9, 2004 so please review those papers for any remarks pertaining to the reasons for the amendments. The amendment set forth below differs from the amendment set forth in the papers filed on August 9, 2004 only in that the text of the withdrawn claims have been added.

If The Office nevertheless requires corrected sheets of the amendment filed on July 28, 2004, those corrected sheets are attached as Appendix A. Accordingly, The Office should, with this response, have all the documents needed to complete both the response by on July 28, 2004 as well as the newly filed amendment of August 9, 2004. It is believed that both amendments should properly be entered as a matter of right since no Final Action has apparently been entered in this application.

FORMAL MATTERS

At paragraph 5 of the Office Action dated January 29, 2004 the Examiner commented that she had signed and returned all of the PTO 1449 forms of record in the application. The Examiner further commented that several of the forms submitted may have properly been associated with a parent application. Upon review of the file it is noted that the references that were formerly filed in a parent application were combined into the IDS filed on May 22, 2001. Accordingly, all of the references yet submitted in this application and in the parent application appear to have been considered by the Examiner. The Examiner is thanked for this comment and clarification.

Nevertheless, enclosed with the papers accompanying this response, please find a new supplemental IDS for consideration by the Examiner.